E-FILING SEALED CRIMINAL DOCUMENTS IN UNSEALED CRIMINAL CASES

Below are instructions to assist in the filing sealed documents. Once a motion or other document is filed under seal, responses, replies, etc. are automatically permitted to be filed under seal.

Leave must first be granted before an initial document can be filed under seal. The steps below are for filing the initial sealed motion requesting leave to file under seal.

IMPORTANT: Documents filed using this process **are not** ex parte and a Notice of Electronic Filing (NEF) will be sent to <u>all</u> parties in the case. However, the document will not be accessible and filing counsel is responsible for mailing copies of the document and the NEF. Additionally, once leave has been granted to file a document under seal, counsel is responsible for e-filing the sealed document and effecting service of the document outside CM/ECF.

Contact the clerk's office for instructions to file an **ex parte document**.

E-FILING STEPS:

FILING THE MOTION FOR LEAVE Select "Sealed Motions" from the Sealed Documents category.

Enter the case number click [Next] then select the filer.

Select the relief "Leave to File Under Seal."

Selected Events (click to remove events)

Leave to File Under Seal

HINT: If you do not select this relief the document will not be SEALED.

There is a message to confirm that the motion will be filed under seal. See message below.

Attach the document you are requesting be filed under seal to this entry. Both the motion for leave to file under seal and the attachment WILL BE SEALED

On the next screen click [Browse] to select the pdf document.

Check the "Yes" box to attach the document or documents that leave is being sought to file under seal. Click on [Next].

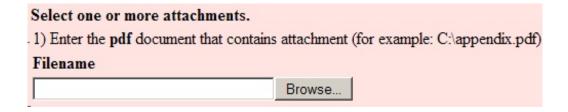
Select the pdf document (for example: C:\199cv501-21.pdf)	
Filename	
	Browse
Attachments to Document: O No O Yes	
Next Clear	

ATTACHMENTS

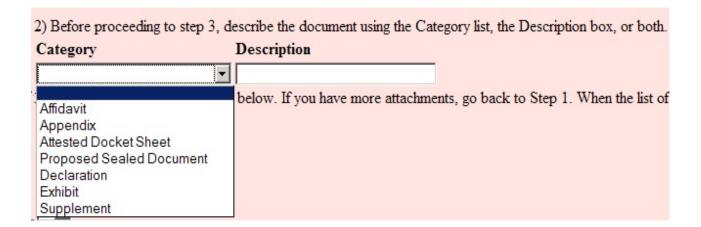
Attaching the sealed document for which leave is sought to file under seal will be a three step process.

Listed below are the steps.

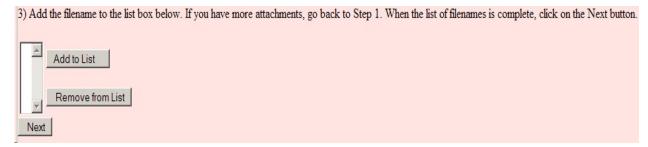
STEP ONE - Click [Browse] to retrieve the pdf.



STEP TWO - Select "Proposed Sealed Document" from the category drop down box. It is not necessary to add a description.



STEP THREE "IMPORTANT" - Click on [**Add to List**] in order to add the filename to the list. If you do not add to list the attachment will not be filed. You may repeat this process for additional attachments. When finished with attachments click on [**Next**] to continue filing.

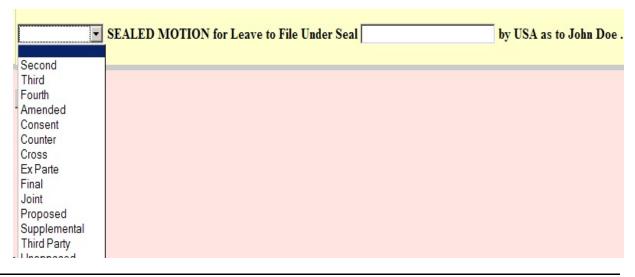


Access to the filed document will not be available to any counsel in the case or the public once e-filed. A filer will see a message that states service will need to be made outside of ECF. See message below. **NOTE:** All counsel in the case will receive the NEF for the Motion for Leave to File Under Seal and any subsequent documents filed under seal.

Opposing counsel will not have access to this document through the Notice of Electronic Filing generated. If required, you must serve it upon them by other means.

On the Modify Docket Text screen, a filer has the option of making a selection from the drop down box. This is not required. A selection made here will appear in final docket text.

The box after "Under Seal" is for additional text, if necessary, but is not required. Enter any text that is appropriate and click [Next].



The next screen is the "Final Text" screen. See below. On this screen read the docket entry and correct any typing mistakes before clicking [Next].

SEALED MOTION for Leave to File Under Seal by USA as to John Doe. (Attachments: # (1) Proposed Sealed Document)(Bailey, Bill)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to nodify this transaction if you continue.

Once the sealed motion is committed to ECF a "Notice of Electronic Filing" (NEF) will be sent to all counsel and the assigned judge(s).

Counsel **will not** have access to the sealed documents through the noticing or electronic case file.

Clicking on the hyperlink to the docket entry on the NEF through email notification will pop up a login screen, but the document will not be available. The viewer will receive this message below.

This document is not available.

SERVICE OF SEALED DOCUMENTS

The filing party is responsible for serving all documents filed under seal and all attachments to opposing counsel through means outside of CM/ECF. A copy of the NEF should be served with the document.

If sealed documents are sent by e-mail it is recommended that parties use a password protected function for security purposes. Refer to the instructions on how to create a password protected document for e-mailing.

PUBLIC ACCESS

Sealed documents cannot be viewed by the public/counsel remotely or in the clerk's office.

FILING SEALED DOCUMENT

Once leave is granted to e-file the sealed document, counsel will be responsible for filing the document by using the proper **SEALED** event.

In general, the clerk's office will not e-file sealed documents for counsel. It is counsel's responsibility to make sure the document is e-filed.

Finding sealed events for criminal? When in doubt – try the [Search] feature on the Blue Menu bar.



Type in a word, click on [Search] and this feature will provide a list of event(s) matching the word.



For the word "sealed," below is a partial list of the results. The list will show civil events first and then criminal. Clicking on the hyperlink will take you to the event to begin e-filing a document.

```
Search results for 'sealed'

4 menu items and 42 events found

Menu Items

Civil Events → Sealed Documents → Sealed Documents

Civil Events → Sealed Documents → Sealed Motions

Criminal Events → Sealed Documents → Other Sealed Documents

Criminal Events → Sealed Documents → Sealed Motions
```

Criminal Events → Documents in Support of Motions

SEALED Affidavit in Support of Motion

SEALED Exhibits in Support of Motion

SEALED Memorandum in Support of Motion

Criminal Events → Motions

SEALED MOTION

Criminal Events → Other Documents

SEALED Document

SEALED Exhibits

SEALED Sentencing Memorandum

SEALED CRIMINAL CASE FILINGS

Access will not be given to parties to file in SEALED criminal cases. All documents submitted to the court for filing in sealed criminal cases **must** be in electronic format.

Leave to file conventionally must be granted before paper documents will be accepted by the clerk.